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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/518,318

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Alan Bradburn

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EXAMINER

FREEDMAN, LAURA BETH

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

02/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/518,318	Applicant(s) BRADBURN, ALAN	
	Examiner LAURA FREEDMAN	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/14/04; 6/8/05; 8/28/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regards to claim 1, it is unclear how the “central polygonal region carrying a protruding flap” can include “upper and lower flaps and at least two side flaps”. Examiner recommends rephrasing to specify a central polygonal region carrying “at least one protruding flap”, “a plurality of flaps”, or something similar. Also, in regards to claim 1, the last 3 lines are unclear and should be rewritten. Examiner interpreted this portion of claim 1 as set forth in the prior art rejection below.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyake et al. (JP05-077342). Miyake et al. disclose:
 - Air-bag (can be seen in drawings) formed from a single element of a laminar material

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- Central polygonal region (for example, including region and shape shown in figure 7) having at least four generally linear side edges, and having a shape and configuration equivalent to that of the air-bag when inflated
- Protruding flaps (for example, including #1-4) including upper and lower flaps and at least two side flaps
- At least one infill element (for example, including portions of flaps that overlap and are adjacent each other, near corners of central polygonal region) defined between the side flaps and the upper and lower flaps
- The flaps being inwardly folded to overlie the central polygonal region and at least partially to overlie each other, the infill elements lying between respective flaps, and the flaps being secured to form the air-bag (see drawings)
- Aperture (for example, including #6) able to receive a gas generator (paragraph 0014)
- Reinforcement is provided around the aperture (if needed; paragraph 0014)
- At least one of the infill elements is of triangular form (for example, including triangular portions of flaps that overlap and are adjacent each other, near corners of central polygonal region)
- The upper and lower flaps and the side flaps are secured by means of adhesive (paragraph 0015)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al. (JP05-077342) as applied to claims 1-4, 8, and 9 above, and further in view of Lang et al. (5,536,043). Miyake et al. do not disclose the specific location of the airbag in the car (paragraph 0001). Lang et al. teach a knee protection air-bag (for example, including components of knee bolster #20). It would have been obvious to one skilled in the art at the time the invention was made to modify the air-bag of Miyake et al. to be used in the form of a knee protection air-bag as taught by Lang et al., so as to provide lower torso restraint during a crash situation (Lang et al.: Summary of the Invention). Further, using the known technique on similar device in the same field is an obvious and predictable variation.

Allowable Subject Matter

7. Claim 11 is allowed.

8. Claims 5-7 would be allowable if rewritten in independent form to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not disclose two flaps having a combined area greater than

the area of the central polygonal region, in combination with other features of the claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oka et al., Lalonde, Niederman et al., Taguchi et al., Robertson et al., and Thomas disclose an air-bag having a central polygonal region and protruding flaps that are inwardly folded to overlie the central polygonal region.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA FREEDMAN whose telephone number is 571-272-2442. The examiner can normally be reached on Monday-Friday, 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LF

/Anne Marie M Boehler/

Primary Examiner, Art Unit 3611